

MWN

McNees Wallace & Nurick LLC
attorneys at law

RECEIVED
CENTRAL FAX CENTER

OCT 04 2005

Routing #3001
Client #20714-0033

FAX COVER LETTER

DATE: October 4, 2005

PLEASE DELIVER THE FOLLOWING PAGES:

TO: Mail Stop Amendment/AF
Examiner: JARRETT, Ryan A.
Art Unit: 2125 FAX: (571) 273-8300

FROM: K. Scott O'Brian Direct Dial: (717) 237-5492

TOTAL NUMBER OF PAGES, INCLUDING THIS COVER LETTER: 12

MESSAGE:

Please acknowledge receipt of documents.

Transmittal Form

Certificate of Fax Transmittal

Response Under 37 C.F.R. 1.116 (9 pages)

Attorney Docket No.: 20714-0033
Application No.: 10/824,804
Filed: April 15, 2004

FAX NUMBER: (717) 237-5300

PARALEGAL RESPONSIBLE: Holly J. Lawrence **TELEPHONE:** (717) 237-5395

*******CONFIDENTIALITY NOTE*******

The information and documents accompanying this transmission contain information from the law firm of McNees Wallace & Nurick LLC which is confidential and/or legally privileged. The information is intended solely for the use of the individual or entity named on this transmission sheet. If you are not the designated recipient, you are hereby notified that a disclosure, copying, distribution or taking of any action in reliance on the contents of this information is prohibited.

If you have received this transmission in error, please notify us by telephone immediately so that we can arrange for the return of the original documents to us at no cost to you and with reimbursement for cost you may have incurred in responding to this notification.

RECEIVED
OCT 04 2005

PTO/SB/21 (02-04)

Approved for use through 07/01/2006, OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL
FORM**

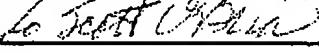
(to be used for all correspondence after initial filing)

		Application Number	10/824,804
		Filing Date	April 15, 2004
		First Named Inventor	HARROD et al.
		Art Unit	2125
		Examiner Name	JARRETT, Ryan A.
Total Number of Pages in This Submission	12	Attorney Docket Number	20714-0033

ENCLOSURES (check all that apply)

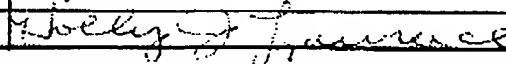
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Certificate of Fax Transmittal
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)		
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	McNees Wallace & Nurick LLC K. Scott O'Brian, Attorney Reg. No. 42,946
Signature	
Date	October 4, 2005

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Holly J. Lawrence
Signature	
Date	October 4, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

RECEIVED
CENTRAL FAX CENTER

003/012

Application No. 10/824,804
Attorney Docket No. 20714-0033

OCT 04 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: HARROD et al. :
Application No.: 10/824,804 : Group Art Unit: 2125
Filed: April 15, 2004 : Examiner: Ryan A. JARRETT
For: METHOD AND APPARATUS TO PREVENT LOW TEMPERATURE DAMAGE
USING AN HVAC CONTROL

RESPONSE UNDER 37 C.F.R. 1.116

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Please consider the following Response for the above-referenced Application.

A) INTRODUCTORY COMMENTS

This Response is filed in response to the Final Office Action dated July 7, 2005.

The Amendments to the Specification section begins on page 2 of this Response.

The Amendments to the Claims section begins on page 3 of this Response and any amendments to the claims are reflected in the listing of the claims included therein.

The Amendments to the Drawings section begins on page 7 of this Response.

The Remarks/Arguments section begins on page 8 of this Response.

PTO/SB/97 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

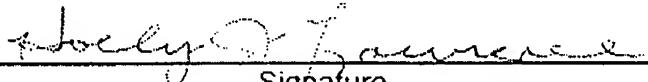
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office

on October 4, 2005.

Date



Signature

Holly J. Lawrence

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

Transmittal Form

Response Under 37 C.F.R. 1.116 (9 pages)

Certificate of Fax Transmittal

Attorney Docket No.: 20714-0033

Application No.: 10/824,804

Filed: April 15, 2004

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.